

REMARKS**I. General**

Claims 1-18 are pending in the present application. Claims 1, 4, 5, 7, 8, 11, 13, and 16 stand rejected under 35 U.S.C. § 102. Claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 103. Applicant respectfully traverses the rejections of record.

II. The 35 U.S.C. § 102 Rejections

Claims 1, 4, 5, 7, 8, 11, 13, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Martinez et al., United States patent number 5,956,665 (hereinafter *Martinez*). To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Applicant respectfully asserts that *Martinez* does not teach every element of the claims and does not show elements arranged as required by the claims.

As previously pointed out by Applicant, independent claim 1 recites “[a] method of generating a visually perceptible output indicative of a status of an application program” Similarly, independent claim 7 recites “[a] system for generating a visually perceptible output indicative of a status of an application program” Likewise, independent claim 13 recites “generating a visually perceptible output indicative of a status of an application program” In responding to Applicant’s arguments with respect to *Martinez* not teaching generating a visually perceptible output indicative of a status of an application program, the Examiner asserts that “the application program of *Martinez* provides the user with control of the components within in the system, and displays user changes and settings through the GUI,” the final Office Action at page 5. The Examiner further asserts that “as the interface of *Martinez* displays the status of the components of the system, it also displays the status of the application program,” *id.* Assuming, *arguendo*, that the Examiner’s assertions are accurate, the foregoing does not establish that the disclosure of *Martinez* anticipates claims 1, 7, and 13 under 35 U.S.C. § 102.

For example, assuming the application program of *Martinez* displays the status of this application program, as asserted by the Examiner, *Martinez* does not show generating such a displayed application program status by encapsulating the first data stream into a predetermined second format and aggregating information contained in the first data stream, as set forth in the claims. The data received and operated upon by the application program of *Martinez* is associated with various field replaceable unit components (e.g., disk drives, environmental monitoring units, etcetera), not the application program identified by the Examiner. Accordingly, the disclosure of *Martinez* does not meet the claims.

Moreover, there is nothing in the disclosure which teaches that the application program identified by the Examiner does in fact display the status of the application program, nor has the Examiner shown otherwise. Accordingly, a *prima facie* showing of anticipation under 35 U.S.C. § 102 has not been made of record.

Even if the rejection of record seeks to assert that it is inherent that such an application program displays the status thereof, the rejection of record has not properly established a rejection under 35 U.S.C. § 102. In order to properly establish a rejection based on inherency, “the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” M.P.E.P. § 2112, citing Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis original). The Examiner’s statement that “as the interface of *Martinez* displays the status of the components of the system” does not reasonably support a conclusion that “it also displays the status of the application program”. Accordingly, inherency of the claim limitation has not properly been established.

Claim 1 further recites “aggregating information contained in said first data stream output in said second format by applying a first set of rules organizing said information into a plurality of categories” Similarly, claim 7 recites “an aggregator configured to aggregate information contained in said first data stream output in said second format by applying a first set of rules organizing said information into a plurality of categories” Claim 13 recites “software configured to . . . aggregate information contained in said first data stream output in said second format by applying a first set of rules organizing said

information into a plurality of categories” In responding to Applicant pointing out that *Martinez* does not teach the foregoing, the Examiner asserts that “[i]nherently, the data received from these components must be encapsulated into a second format, as the data changes from a non-visual state (first format) to being visually represented by the GUI (second format),” see the final Office Action at page 5.

However, assuming *arguendo* that visually displaying the data by the GUI comprises a second format into which data from the components is aggregated, there is nothing in the disclosure of *Martinez* to teach or suggest aggregating information from the components which is output in the second format (visually represented by the GUI) by applying a first set of rules organizing the information into a plurality of categories. The Examiner relies upon it being “inherent that in order for the mapping operation and updating operation of *Martinez* to form an update the data structures used in the system, the operations must follow a set of rules for organizing the received information into the proper locations in the data structures,” the final Office Action at pages 5-6, to meet the foregoing application of rules. However, the Examiner’s assertion does not address the express limitation that aggregation of information by applying a first set of rules is with respect to information contained in the first data stream output in the second format (the data being visually represented by the GUI in the rejection of record). Accordingly, the system of *Martinez* as set forth in the rejection of record does not show elements arranged as required by the claims.

In light of the foregoing, Applicant respectfully asserts that claims 1, 7, and 13 are patentable under 35 U.S.C. § 102 over *Martinez*. Moreover, as the dependent claims incorporate the limitations of the base claim from which they depend, claims 4, 5, 8, 11, and 16 are asserted to be patentable under 35 U.S.C. § 102 at least for the reasons set forth above with respect to claims 1, 7, and 13.

III. The 35 U.S.C. § 103 Rejections

Claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Martinez* in view of Jancke et al., United States patent 5,764,913 (hereinafter *Jancke*). Applicant respectfully asserts that the rejections of record relying upon a combination of *Martinez* and Jancke do not meet all the claim limitations. Applicant has shown above that *Martinez* does not teach every element of independent claims 1, 7, and 13.

Dependent claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18 are each directly or indirectly dependent from one of the above independent claims, and thus inherit the limitations recited therein. The 35 U.S.C. § 103 rejections of record do not rely upon the disclosure of *Jancke* to meet the above identified deficiencies in the disclosure of *Martinez*. As such, a *prima facie* case of obviousness has not been established with respect to dependent claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18.

IV. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Applicant therefore respectfully requests that the present application be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10012518-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV482739233US, in an envelope addressed to:
MS Amendment Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450,
on the date shown below.

Date of Deposit: April 7, 2005

Typed Name: Lisa deCordova

Signature: Lisa deCordova

Respectfully submitted,

By R. Ross Viguet
R. Ross Viguet
Attorney/Agent for Applicant(s)
Reg. No.: 42,203

Date: April 7, 2005

Telephone No. (214) 855-8185